

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Joar Opheim Confirmation No.: 1343
Serial No.: 10/646,898 Art Unit: 1611
Filed: August 22, 2003 Examiner: Isis A D Ghali
For: FLAVORED GELATIN CAPSULE Attorney Docket No.: 012098-0012-999 /
AND METHOD OF NN009
MANUFACTURE

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

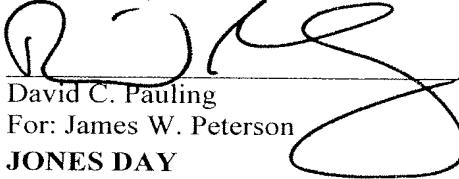
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 19, 2010, of the Primary Examiner finally rejecting claims 1, 2, 5, 8, 17, and 18 of the above-identified application.

The item(s) checked below are appropriate:

1. A request for an extension of time for responding to the final rejection for three (3) month is submitted herewith.
2. A timely response to the final rejection has been filed.
3. The fee for filing this Notice of Appeal:
 is required in the amount of \$540.00.
 is required in the amount of \$270.00 for this small entity.
 Not required (Fee paid in prior appeal).
4. Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013 (reference 012098-0012-999).

Respectfully submitted,


David C. Pauling
For: James W. Peterson
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

56,056

(Reg. No.)

(Reg. No. 26,057)

Date: August 18, 2010